



Atty. Dkt. No. 041673-0301

#15

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Edward Dennis
Title: CLONED HUMAN
LYSOPHOSPHILIPASE
Appl. No.: 09/493,601
Filing Date: 01/28/2000
Examiner: T. Saidha
Art Unit: 1652

CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below. Michelle Simpson (Printed Name) <i>Michelle Simpson</i> (Signature) October 1, 2004 (Date of Deposit)

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OCT 03 2004

OFFICE OF PETITIONS

PETITION FOR REVIVAL OF APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Petition requests that the above-identified patent application be revived on the basis that its abandonment was unintentional.

VERIFICATION OF UNINTENTIONAL ABANDONMENT

The above-identified application became abandoned for failure to file a timely and proper response to the Office Action mailed on June 11, 2002, which set a one-month period for response.

Responsibility for prosecution of the within patent application was transferred in July 2003 to this firm, Foley & Lardner, LLP, at the request of the Assignor. The prior attorneys of record, Fuess & Davidenas, provided their file in the matter, which contained a Petition for Revival. The Petition for Revival purported to have been filed with the U.S. Patent and Trademark Office on June 26, 2003. A copy of the Petition for Revival filed by the prior attorneys of record is attached as Exhibit A hereto.

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After no response to the Petition for Revival was received, a review of the file wrapper and communication with the Petitions Branch revealed that the Petition for Revival purportedly submitted by prior counsel had not been received by U.S. Patent and Trademark Office. Applicant therefore submits the within Petition to Revive.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Required reply and/or fee;
- (2) Petition fee (37 C.F.R. § 1.17(m));
- (3) Statement that the abandonment was unintentional; and
- (4) Any required terminal disclaimer (37 C.F.R. § 1.137(c)).

- (1) Required reply and/or fee.

The proposed reply and required fee for the above-noted Office Action in the form of an Amendment in Response to Notice Under 37 C.F.R. §§ 1.821-825, a Statement to Support Filing and Submission in Accordance with 37 C.F.R. §§ 1.821-1.825, the Sequence Listing and a computer readable form of the Sequence Listing.

- (2) Petition fee (37 C.F.R. § 1.17(m)).

A check in the amount of \$665.00 is enclosed for the amount stated in 37 C.F.R. § 1.17(m) to cover the fee for this petition.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

- (3) Statement that the abandonment was unintentional.

Applicant hereby states that the entire delay in filing the required reply, from the due date for the reply until the filing of this petition, was unintentional.

(4) Any required terminal disclaimer (37 C.F.R. § 1.137(c)).

No terminal disclaimer is required in this application under 37 C.F.R. § 1.137(c) since this application was not filed before June 8, 1995.

Respectfully submitted,



Date October 1, 2004

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By _____

Stacy L. Taylor

Attorney for Applicant

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